

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

JEFF MULLINS d/b/a MULLINS
AMMUNITION, INC.,

Plaintiff,

vs.

RINKY DINK SYSTEMS, INC. d/b/a RD
SYSTEMS, INC., n/k/a J&J RIBORDY, INC.,

Defendant.

No. 07 C 50245

ANSWER TO AFFIRMATIVE DEFENSES

NOW COMES the Plaintiff, JEFF MULLINS d/b/a MULLINS AMMUNITION, INC., and for his Answer to Affirmative Defenses of Defendant, RINKY DINK SYSTEMS, INC., d/b/a RD SYSTEMS, INC., n/k/a J&J RIBORDY, INC. (hereinafter referred to as "RD"), states and alleges as follows:

COUNT I

FIRST AFFIRMATIVE DEFENSE

The Plaintiff denies that the First Affirmative Defense is valid or enforceable in that there was not a meeting of the minds as required for an enforceable contract.

SECOND AFFIRMATIVE DEFENSE

The Plaintiff denies that the Second Affirmative Defense is valid or enforceable in that there was not a meeting of the minds as required for an enforceable contract.

COUNT II

The Plaintiff denies that the Affirmative Defense is valid or enforceable. Even if the exclusion of warranty liability is considered part of the contract, the misrepresentations that occurred as described in Count II would be tortious conduct in representing RD's ability to correct the machine's problems and produce a workable machine after they had experienced multiple breakdowns and knew that the machine had not been produced according to specifications.

WHEREFORE, Plaintiff prays judgment against the Defendant, Rinky Dink Systems, d/b/a RD Systems n/k/a J&J Ribordy, Inc. plus costs of suit.

JEFF MULLINS d/b/a MULLINS AMMUNITION,
INC., Plaintiff

BY: RENO & ZAHM LLP

BY:



ROBERT A. FREDRICKSON

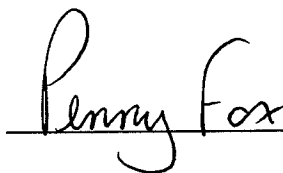
RENO & ZAHM LLP
BY: ROBERT A. FREDRICKSON, #412
2902 McFarland Road
Perry Creek Plaza, Suite 400
Rockford, IL 61107
(815) 987-4050

CERTIFICATE OF SERVICE

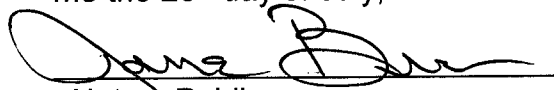
The undersigned certifies that a copy of the foregoing document was served upon the following:

Atty. Kim M. Casey
Holmstrom & Kennedy
P.O. Box 589
Rockford, IL 61105
Fax No. 815-962-7181

by telefax transmission and by depositing the same in the United States Mails, postage prepaid, addressed as above, at Rockford, Illinois on July 28, 2008.

_____

Subscribed and sworn to before
me the 28th day of July, 2008.


Notary Public



ROBERT A. FREDRICKSON, #412
Reno & Zahm LLP
2902 McFarland Road, Suite 400
Rockford, IL 61107
815/987-4050